



Atty. Dkt. No. 77319/384

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ralph M. ELLISON et al.

Title: COMPOSITIONS AND METHODS FOR THE TREATMENT OF PRIMARY AND METASTATIC NEOPLASTIC DISEASES USING ARSENIC COMPOUNDS

Appl. No.: 10/649,944

Filing Date: 08/28/2003

Examiner: Not yet assigned

Art Unit: 1614

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop PATENT APPLICATION
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003*.

Applicants submit herewith on Form PTO/SB/08 a listing of the documents cited by or submitted to the U.S. PTO in parent application Serial No. 09/173,531, filed 10/15/1998. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified parent application.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any

rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

The relevance of the foreign-language documents is explained in the parent application.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

By 

Date December 23, 2003

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Stephen A. Bent
Attorney for Applicant
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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

Date Submitted: December 23, 2003

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Sheet

1

of

6

Complete if Known

Application Number	10/649,944
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First Named Inventor	Ralph M. ELLISON
Group Art Unit	1614
Examiner Name	Unassigned

Attorney Docket Number 077319-0384

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		132,275		Gettings	10/15/1872	
		232,807		Dennett	10/05/1886	
		3,700,498		Kanazawa et al.	10/24/72	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document		Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴				
		JP	51-88620		03/08/76		
		WO	95/01789		1/19/95		
		CN	1133725 A		10/23/96		
		CN	1131037 A		9/18/96		
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		CN	1081104 A		1/26/94		
		CN	1119113 A		3/27/96		
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		CN	1131037 A		9/18/96		
		CN	1133725 A		10/23/96		

Examiner Signature

Date Considered

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Sheet				Complete if Known	
	2	of	6	Application Number	10/649,944
				Filing Date	08/28/2003
				First Name & Inventor	Ralph M. ELLISON
				Group Art Unit	1614
				Examiner Name	Unassigned
				Attorney Docket Number	077319-0384

NON PATENT LITERATURE DOCUMENTS

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		"Arsen (III) – Sulfid As ₂ S ₂ ", Gmelin's Arsenic, 8 th . Edition, 17:422-433, 1952.	
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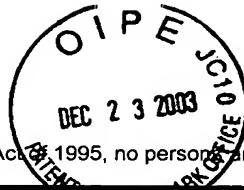
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Date Submitted: December 23, 2003
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Sheet 3 of 6

Complete if Known

Application Number	10/649,944
Filing Date	08/28/2003
First Named Inventor	Ralph M. ELLISON
Group Art Unit	1614
Examiner Name	Unassigned
Attorney Docket Number	077319-0384

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		De The, "L'oxyde d'arsenic: après l'acide retinoïque, un nouveau traitement cible de la leucémie aigue promyélocytaire" medicine/sciences; 13: 867-71, 1997	
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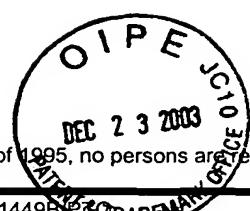
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Sheet 4 of 6

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Application Number	10/649,944
Filing Date	08/28/2003
First Named Inventor	Ralph M. ELLISON
Group Art Unit	1614
Examiner Name	Unassigned

Attorney Docket Number 077319-0384

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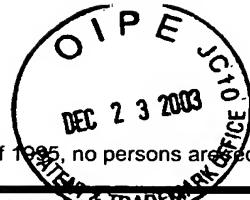
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		"Letter on Historical Facts Regarding the Development of Ai Ling. No. 1 and the Clinical Use of Arsenic Trioxide in the Treatment of Acute Promyelocytic Leukemia and a Study of its Mechanism" Heilongjiang Branch of the Chinese Medical Association, March 27, 1998.	
		Wang et al., "Arsenic Trioxide and Melarsprol Induced Programmed cell death in myeloid leukemia cell lines and function in PML and PNL-RAR α Independent Manner," Blood, 92(5):1497-1504, 1998.	
		Flamigni et al., "Effect of Sodium Arsenite on the Induction and Turnover of Ornithine Decarboxylase Activity in Erythroleukemia Cells", Cell Biochemistry and Function Vol. 7:213-217 (1989) © John Wiley & Sons Ltd. 1989	
		Reichi et al., "Effect of Arsenic on Cellular Metabolism After Single or Repeated Injection in Guinea Pigs" Arch. Toxicol., Suppl. 13, 363-365 (1989) © Springer Verlag 1989	
		Remington's Pharmaceutical Sciences, Mack Publishing Company, Easton PA, Chapter 85, pp. 1570-80, 1990.	
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		Sun et al., "Ai Ling #1 and Traditional Chinese Medicine in the Treatment of 32 Patients with Acute Promyelocytic Leukemia, Chinese J. of Traditional Chinese and Western Medicine, pp. 170-171, Vol. 12, No. 3, 1992.	
		Treleaven et al., "Arsenic and Ayurveda", Leukemia and Lymphoma, Vol. 10, pp. 343-345 © Harword Academic Publishers GmbH 1993	
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		Fluka 1995/96 Catalog, pp. 152-153 July 1995	
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¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

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